

#### PRESENT:

Mr. Russell J. Gulley, Chairman

Mr. Reuben J. Waller, Jr., Vice-Chairman

Dr. William P. Brown

Mr. J. Dale Patton

Dr. Edgar V. Wallin

Mr. Kirkland A. Turner, Secretary to the Commission,

**Planning Director** 

#### **ALSO PRESENT:**

Mr. Michael E. Tompkins, Assistant Director,

Development Review Section, Planning Department

Mr. Rob Robinson, Senior Assistant County Attorney,

County Attorney's Office

Ms. Tara McGee, Senior Assistant County Attorney,

County Attorney's Office

Mr. Steve Haasch, Planning Manager,

Plans and Information Section, Planning Department

Ms. Bonnie L. Perdue, Clerk to the Commission,

Plans and Information Section, Planning Department

Mr. Greg Allen, Planning Manager,

Review Section, Planning Department

Ms. Jane Peterson, Planning Manager,

Development Review Section, Planning Department

Ms. Darla Orr, Planning and Special Projects Manager.

Development Review Section, Planning Department

Mr. Ryan Ramsey, Planning and Special Projects Manager,

Development Review Section, Planning Department

Mr. Robert Clay, Planning and Special Projects Manager,

Development Review Section, Planning Department

Ms. Teresa C. Davis, Planning and Special Projects Coordinator,

Development Review Section, Planning Department

Mr. Jesse Smith, Director,

Transportation Department

Mr. Scott Smedley, Director

**Environmental Engineering Department** 

Mr. Dave Wolverton, Microcomputer Analyst

Information Systems Technology Department

Deputy Fire Marshall Anthony Batten, Fire and Life Safety,

Fire and EMS Department

Ms. Heather Barrar, Principal Planner,

Plans and Information Section, Planning Department

Ms. JoAnne Simmelink, Senior Planner,

Plans and Information Section, Planning Department

Mr. Ray Cash, Code Keeper,

Plans Review Section, Planning Department

# ASSEMBLY AND WORK SESSION.

Messrs. Gulley, Waller, Brown, Patton and Wallin and staff assembled at 2:00 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

#### I. CALL TO ORDER.

# II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

Mr. Turner announced that Mr. Mark Riblett with the Richmond District office of the Virginia Department of Transportation (VDOT) will present the consultant's recommendations on improvements to the Route 288/Route 360 interchange and suggested the presentation follow the 4:00 p.m. case.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to revise the agenda to add the VDOT presentation to the agenda.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

#### III. REVIEW UPCOMING AGENDAS.

Ms. Jane Peterson apprised the Commission of the caseload agendas for July, August, September and October 2015.

#### IV. REVIEW DAY'S AGENDA.

Mr. Greg Allen provided an overview on the one (1) case for the 4:00 p.m. session, Case 15PS0215, Kroger Limited Partnership I, which will be a thirty (30) day deferral.

Ms. Jane Peterson provided an overview to the Commission of the sixteen (16) cases for today's agenda.

#### V. WORK PROGRAM - REVIEW AND UPDATE. 🗈

There were no questions relative to the Work Program.

#### VI. PLANNING COMMISSION FOLLOW-UP ITEMS LIST.

There were no questions relative to the Follow-Up Items List.

# VII. (14PJ0161) DISCUSSION OF PROPOSED CODE AMENDMENT RELATIVE TO SMALL CELL TECHNOLOGY.

Mr. Robert Clay presented an overview to the Commission highlighting the presentation from last month stating the one (1) outstanding issue concerning the size of the boxes of the mechanical equipment that hang on the poles had been resolved.

In response to a question from Mr. Gulley relative to the industry, Mr. Clay stated they support the change.

#### VIII. DISCUSSION OF ZONING APPLICATIONS ON HOLD.

Ms. Jane Peterson presented an overview to the Commission stating in March staff provided a list of pending land use cases to the Commission. They included advertised cases that had been deferred by the Planning Commission, cases that had been moved at the applicant's request to a future Commission agenda and not yet advertised, and cases that had been placed on hold at the applicant's request and had not been scheduled for a specific Commission agenda. The on-hold cases did include unadvertised cases and those that had been remanded by the Board. The Commission requested follow up today at the work session and a revised list has been provided showing the cases that are scheduled for July and after, and which have previously been deferred or moved or those placed on hold. Moving forward, staff plans to prepare an administrative policy on handling this inventory of cases as well as new cases that are filed. Some of the ideas that staff are considering include permitting cases to be moved a maximum of six (6) months from the time of filing, requiring a written request for case movement to be received a minimum of one (1) month in advance of the scheduled public hearing for the case, requiring the applicant notifying adjoining landowners of their requested case movement if the property has been posted with a zoning sign and or there has been a community meeting on the case and copying the District Commissioner and staff. The effective date of the policy would be January 2016 and both pending and new cases would have the benefit of the policy. Cases that have been placed on hold would come under this new policy and there will no longer be a benefit of putting a case on hold.

In response to a question from Mr. Gulley relative to the new policy, Mr. Turner stated procedurally it is a staff policy and the Commission does not act on a case until it has been advertised and brought to the Commission.

Mr. Gulley stated he is supportive of this new policy and to go ahead and put it into effect and notify the development community.

Dr. Wallin stated it was important to notify those that are in the pipeline now so they know what the changes are and how it impacts them.

Ms. Peterson stated she anticipated it could be formalized and back to the Commission by August.

# IX. (15PJ0115) DISCUSSION OF PROPOSED CODE AMENDMENT RELATIVE TO BICYCLE FACILITIES AND LOT SIZE REDUCTIONS FOR PROVISION OF BICYCLE FACILITIES AND BUFFERS IN COMMON AREAS.

Mr. Ray Cash presented an overview to the Commission relative to the code amendment.

In response to a question from Mr. Gulley relative to lot sizes, Mr. Cash responded that if a bikeway is for private use of the development, then reduction in lot size would not be allowed.

Staff requested to not set public hearing of the amendment in order to provide time for public input on the ordinance and the Bikeways and Trails Plan to move forward. Staff would make necessary revisions to the ordinance based upon input and adopted plan; and present those revisions to the Commission at a later date.

## X. (14PJ0122) DISCUSSION OF PROPOSED BON AIR SPECIAL AREA PLAN.

Ms. Joanne Simmelink presented an overview to the Commission on the draft Bon Air Special Area Plan (BASAP) explaining the history of the project, highlighting community outreach, public participation and public comments. Revisions were made to the draft plan based upon public comments and the plan was presented with changes based upon those comments. Staff recommends a public hearing at the July 23, 2015 Planning Commission meeting.

In response to a question from Mr. Gulley relative to outstanding hot button topics for this project, Ms. Simmelink stated land use recommendations, and pedestrian improvements have been an issue for some.

In response to a question from Mr. Patton relative to commercial buildings, Ms. Simmelink stated staff initially recommended three stories and now recommends two stories for commercial buildings in the village.

Dr. Wallin complimented the presentation and stated this demonstrates how important the special area plans are and he hopes the public will come to appreciate how staff is trying to tailor the community's needs and desires.

Dr. Brown complimented the report and stated in general he feels this is a good plan.

Mr. Waller stated this is the second Special Area Plan and many things were learned from the first Special Area Plan in Ettrick. For this Bon Air Special Area Plan there has been much public interest and while there have been some questions and concerns voiced, overall the public has a positive and supportive attitude toward the project.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to set a public hearing at the July 23, 2015 Planning Commission meeting.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

#### XI. DISCUSSION OF A POLICY RELATIVE TO HOME DAYCARE STANDARDS.

- Mr. Turner stated that in February, staff put together a memo to the Commission that outlined standards for the Commission to consider for family daycare homes. Currently this is just a set of guidelines to help guide applicants, however the Commission may wish to add or change these guidelines and staff will make any changes the Commission wants to make.
- Mr. Gulley stated it would benefit Staff to have these codified as opposed to them just being guidelines.
- Mr. Turner responded that when they are just guidelines, staff is able to use their discretion to weigh each case upon its own merits and make a recommendation based upon information solely on that case.
- Ms. McGee stated keeping this as guidelines allows staff more flexibility and the Commission has the ultimate decision about what is approved in their magisterial districts.
- Dr. Wallin stated he feels some kind of guidance for the applicant is needed. It is not only for the Commission, but it also spells things out for the public and applicants.
- Dr. Brown stated he has cases in his district where applicants understand whether their proposal will meet with resistance or not after they talk to him or to staff. So they know going in, that their case will either be supported or not based upon information they hear prior to it being heard at Planning Commission.
- Mr. Patton supports Dr. Brown comments. He doesn't see inconsistency and staff should have latitude in making these decisions and each case deserves to be heard on its own merits.
- Mr. Gulley feels there is no consistency across all cases, sometimes they have fences in backyards and staff recommends approval other times applicants do not have fences and staff recommends approval.
- Ms. McGee stated as of July 1, 2016, the State law will require regulation for anyone who cares for four (4) children or more.
- Mr. Gulley stated with the State going in that direction, we need to have more regulation with regard to family daycare homes.
- Mr. Patton said he likes the way it is working now and wants to give the staff latitude and discretion.
- Dr. Wallin stated he favors some parameters regarding the issue.
- Mr. Waller said he would go with guidelines verses policy. He thinks we need flexibility for staff and the Commission regarding this issue.

#### XII. DISCUSSION OF USES IN REVITALIZATION AREAS.

Mr. Turner stated as staff explores the Special Area Plans, they will take a look at land uses and make recommendations as they go. He recommended that they continue this approach on a case by case basis.

# XIII. UPDATE ON CAPITAL CONSTRUCTION GOALS & ACCOUNTABILITY COMMITTEE.

Dr. Wallin stated since the last Planning Commission meeting the Accountability Committee met to discuss the Monacan HS renovation which came in \$3.5M over budget. The final decision by the school was to approve the additional \$3.5M for the contract instead of rebidding it. Tomorrow the agenda will deal with some questions that have come up from the Planning Commission and others. There will be an extensive discussion on the architectural engineering firm selection process. Dr. Wallin voiced concerns with the short meeting time as it hard to go into depth with such minimal time allowed to discuss important issues.

Mr. Waller asked if schools had considered hiring a project or construction manager to get the most out of each project while keeping within budget. He also stated using the same design for the same kind of school would help reduce design costs.

Dr. Wallin expressed appreciation to the Commissioners that have attended meetings so they can better understand the issues.

#### XIV. RECESS.

The Commission recessed at 4:02 p.m. for the 4:00 p.m. public hearing.

# 4:00 P.M. PUBLIC MEETING.

#### I. CALL TO ORDER.

Mr. Gulley, Chairman, called the meeting to order at 4:02 p.m., in the Public Meeting Room, Lane B. Ramsey Administration Building, 10001 Iron Bridge Road, Chesterfield, VA.

# II. <u>REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE</u> ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

#### III. REVIEW MEETING PROCEDURES.

Mr. Turner advised he would review the meeting procedures at the 6:00 p.m. meeting.

# IV. APPROVAL OF THE PLANNING COMMISSION MINUTES.

May 19, 2015 Minutes.

On motion of Dr. Brown, seconded by Mr. Waller the Commission resolved to defer the May 19, 2015 Planning Commission minutes to the July 21, 2015 Planning Commission public meeting.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

#### V. PUBLIC MEETING.

A. <u>15PS0215</u>: In Midlothian Magisterial District, **Kroger Limited Partnership I** requests schematic plan approval for architecture for the **Kroger Fuel Center R505** in Corporate Office (O-2) District on a site totaling 1.15 acres located at 11430 West Huguenot Road. Tax ID 741-715-2553.

Mr. Jim Theobald, the applicant's representative, requests a deferral for thirty (30) days.

Mr. Gulley opened the floor for public comment.

No one spoke in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public comments.

In response to a question from Mr. Waller relative to the thirty (30) day deferral and adjacent notifications, Mr. Lamson replied the case should be ready in thirty (30) days.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to defer Case 15PS0215 to the 4:00 p.m. session on July 21, 2015 Planning Commission meeting.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

#### THE 2:00 P.M. WORK SESSION RESUMED.

# UNSCHEDULED PRESENTATION FROM VDOT ON THE US ROUTE 360/ROUTE 288 INTERCHANGE AREA STUDY.

Mr. Mark Riblett with Virginia Department of Transportation presented an overview to the Commission on the Route 360/288 Interchange Area Study. The presentation highlighted options to redesign and rebuild the area to relieve traffic congestion in the area.

#### VI. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 4:46 p.m., agreeing to meet in the Executive Meeting Room at 5:00 p.m., for dinner; and to reconvene in the Public Meeting Room at 6:00 p.m. for the public meeting.

#### 5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

#### 6:00 P.M. PUBLIC HEARING.

# I. CALL TO ORDER.

### II. <u>INVOCATION</u>.

Mr. Waller presented the invocation.

# III. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

The Commission led in the Pledge of Allegiance to the Flag.

# IV. REVIEW UPCOMING AGENDAS.

Mr. Turner apprised the Commission of the caseload agendas for July, August, September and October 2015.

# V. <u>REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE</u> ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

#### VI. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

#### VII. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no citizens' comments on unscheduled matters.

# VIII. PUBLIC HEARING.

#### DEFERRAL REQUEST BY APPLICANT – REZONING AND CONDITIONAL USES.

- I. <u>15SN0636</u>: In Midlothian Magisterial District, Karl Johnson requests rezoning from Community Business (C-3) and Residential (R-7) to Community Business (C-3) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 2.1 acres located in the southeast corner of Midlothian Turnpike and Le Gordon Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Village Fringe Area use. Tax ID 725-708-Part of 9743.
  - Mr. Ryan Ramsey advised staff had a letter on file from the applicant asking for a deferral.
  - Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Mr. Gulley closed the public comments.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to defer Case 15SN0636 for sixty (60) days to the August 18, 2015 Planning Commission public hearing at the applicant's request.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

#### DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONER – REZONING.

A. <a href="mailto:100%">135N0110\*</a>: (AMENDED) In Matoaca Magisterial District, Chesterfield DD, Inc. requests rezoning from Residential Townhouse (R-TH) to Multifamily Residential (R-MF) with conditional use to permit group care facility plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 85.4 acres fronting 460 feet on the south line of Hull Street Road, across from Cosby Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Medium-High Density Residential use (minimum 4.0 to 8.0 dwellings per acre), Suburban Residential I use (maximum of 2.0 dwellings per acre) and Neighborhood Business uses. Tax IDs 717-669-2537; and 717-670-1030, 1751, 2877 and 8050.

Mr. Jack Wilson, the applicant's representative, accepted deferral of Case 13SN0110 by Dr. Wallin to the August 18, 2015 public hearing.

Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public comments.

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission resolved to defer Case 13SN0110 to the August 18, 2015 Planning Commission public hearing.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- <u>CONSENT ITEMS CONDITIONAL USES, CONDITIONAL USE PLANNED</u> DEVELOPMENT, REZONINGS AND SUBSTANTIAL ACCORD.
- C. <u>15SN0637\*:</u> In Matoaca Magisterial District, Rebecca Hunter NewPath Networks LLC requests conditional use to permit a communications tower and amendment of zoning district map in a Residential (R-7) District on .1 acre in the public right-of-way in front of 3304 Lee Street. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Institutional use. In the vicinity of Tax ID 796-611-6716.
  - Mr. Philip Stetler, the applicant's representative, accepted staff's recommendation.
  - Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public comments.

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 15SN0637 subject to the following conditions:

#### CONDITIONS

- 1. There shall be no signs permitted to identify this use other than those required by applicable law and regulation. (P)
- 2. The color, design and lighting system for the communications tower (small cell/data node antenna) shall be as follows:
  - a. The communications tower shall be a small cell/data node antenna mounted onto the top of a utility (light) pole, generally as located on Attachment 3 and designed on Attachment 2. Such street light or utility pole shall be a minimum of twenty (20) feet in height.
  - b. The components of the small cell equipment shall have a durable finish color that matches the utility pole upon which it is located, as approved by the Planning Department. The finish color shall be maintained to address fading, flaking, or other finish issues, as determined by the Planning Department, to include matching any repainting of the utility structure upon which it is mounted.
  - c. The communications tower (small cell/data node antenna) shall not be lighted.
  - d. Antenna and mounting device together do not exceed a height of ten (10) feet above the pole/structure.
  - e. A maximum of one (1) antenna is located on the pole.
  - f. Pole-mounted mechanical equipment shall not exceed seven (7) cubic feet in size.
  - g. Antenna does not exceed a diameter of 16 inches. (P)
- 3. Other than the small cell/data node antenna, any ground-mounted mechanical equipment shall comply with the Zoning Ordinance relative to screening of mechanical equipment in O, C and I Districts. (P)
  - (STAFF NOTE: The Zoning Ordinance requires the screening of mechanical equipment located on a building or ground from adjacent properties and public rights of way.)
- 4. Prior to use of this communications tower (small cell/data node antenna), the owner of the communications tower (small cell/data node antenna) shall obtain approval of the structural integrity of the light/utility pole by a registered professional engineer licensed in Virginia and a copy of the report filed with the Planning Department. (P)

5. Antenna and equipment shall be removed after three (3) consecutive months of non-use. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- D. <u>15SN0638\*</u>: In Matoaca Magisterial District, Rebecca Hunter NewPath Networks LLC requests conditional use to permit a communications tower and amendment of zoning district map in a Residential (R-7) District on .1 acre in the public right-of-way in front of 3001 E. River Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Institutional use. In the vicinity of Tax ID 797-611-8599.
  - Mr. Philip Stetler, the applicant's representative, accepted staff's recommendation.
  - Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public comments.

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 15SN0638 subject to the following conditions:

#### **CONDITIONS**

- 1. There shall be no signs permitted to identify this use other than those required by applicable law and regulation. (P)
- 2. The color, design and lighting system for the communications tower (small cell/data node antenna) shall be as follows:
  - a. The communications tower shall be a small cell/data node antenna mounted onto the top of a utility (light) pole, generally as located on Attachment 3 and designed on Attachment 2. Such street light or utility pole shall be a minimum of twenty (20) feet in height.
  - b. The components of the small cell equipment shall have a durable finish color that matches the utility pole upon which it is located, as approved by the Planning Department. The finish color shall be maintained to address fading, flaking, or other finish issues, as determined by the Planning Department, to include matching any repainting of the utility structure upon which it is mounted.
  - c. The communications tower (small cell/data node antenna) shall not be lighted.
  - d. Antenna and mounting device together do not exceed a height of ten (10) feet above the pole/structure.
  - e. A maximum of one (1) antenna is located on the pole.

- f. Pole-mounted mechanical equipment shall not exceed seven (7) cubic feet in size.
- g. Antenna does not exceed a diameter of 16 inches. (P)
- 3. Other than the small cell/data node antenna, any ground-mounted mechanical equipment shall comply with the Zoning Ordinance relative to screening of mechanical equipment in O, C and I Districts. (P)

(STAFF NOTE: The Zoning Ordinance requires the screening of mechanical equipment located on a building or ground from adjacent properties and public rights of way.)

- 4. Prior to use of this communications tower (small cell/data node antenna), the owner of the communications tower (small cell/data node antenna) shall obtain approval of the structural integrity of the light/utility pole by a registered professional engineer licensed in Virginia and a copy of the report filed with the Planning Department. (P)
- 5. Antenna and equipment shall be removed after three (3) consecutive months of non-use. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

E. <a href="15SN0639">15SN0639</a>\*: In Matoaca Magisterial District, Rebecca Hunter – NewPath Networks LLC requests conditional use to permit a communications tower and amendment of zoning district map in a Neighborhood Business (C-2) District on .1 acre in the public right-of-way in front of 21006 Chesterfield Avenue. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential Mixed use. In the vicinity of Tax ID 795-611-6171.

Mr. Philip Stetler, the applicant's representative, accepted staff's recommendation.

Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public comments.

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 15SN0639 subject to the following conditions:

#### <u>CONDITIONS</u>

- 1. There shall be no signs permitted to identify this use other than those required by applicable law and regulation. (P)
- 2. The color, design and lighting system for the communications tower (small cell/data node antenna) shall be as follows:
  - a. The communications tower shall be a small cell/data node antenna mounted onto the top of a utility (light) pole, generally as located on Attachment 3 and designed

- on Attachment 2. Such street light or utility pole shall be a minimum of twenty (20) feet in height.
- b. The components of the small cell equipment shall have a durable finish color that matches the utility pole upon which it is located, as approved by the Planning Department. The finish color shall be maintained to address fading, flaking, or other finish issues, as determined by the Planning Department, to include matching any repainting of the utility structure upon which it is mounted.
- c. The communications tower (small cell/data node antenna) shall not be lighted.
- d. Antenna and mounting device together do not exceed a height of ten (10) feet above the pole/structure.
- e. A maximum of one (1) antenna is located on the pole.
- f. Pole-mounted mechanical equipment shall not exceed seven (7) cubic feet in size.
- g. Antenna does not exceed a diameter of 16 inches. (P)
- 3. Other than the small cell/data node antenna, any ground-mounted mechanical equipment shall comply with the Zoning Ordinance relative to screening of mechanical equipment in O, C and I Districts. (P)
  - (STAFF NOTE: The Zoning Ordinance requires the screening of mechanical equipment located on a building or ground from adjacent properties and public rights of way.)
- 4. Prior to use of this communications tower (small cell/data node antenna), the owner of the communications tower (small cell/data node antenna) shall obtain approval of the structural integrity of the light/utility pole by a registered professional engineer licensed in Virginia and a copy of the report filed with the Planning Department. (P)
- 5. Antenna and equipment shall be removed after three (3) consecutive months of non-use. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- **F.** <u>15SN0640</u>\*: In Matoaca Magisterial District, Rebecca Hunter NewPath Networks LLC requests conditional use to permit a communications tower and amendment of zoning district map in a Residential (R-7) District on .1 acre in the public right-of-way in front of 20700 James Street. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. In the vicinity of Tax ID 795-613-2631.
  - Mr. Philip Stetler, the applicant's representative, accepted staff's recommendation.
  - Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public comments.

On motion of Dr. Wallin, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 15SN0640 subject to the following conditions:

#### CONDITIONS

- 1. There shall be no signs permitted to identify this use other than those required by applicable law and regulation. (P)
- 2. The color, design and lighting system for the communications tower (small cell/data node antenna) shall be as follows:
  - a. The communications tower shall be a small cell/data node antenna mounted onto the top of a utility (light) pole, generally as located on Attachment 3 and designed on Attachment 2. Such street light or utility pole shall be a minimum of twenty (20) feet in height.
  - b. The components of the small cell equipment shall have a durable finish color that matches the utility pole upon which it is located, as approved by the Planning Department. The finish color shall be maintained to address fading, flaking, or other finish issues, as determined by the Planning Department, to include matching any repainting of the utility structure upon which it is mounted.
  - c. The communications tower (small cell/data node antenna) shall not be lighted.
  - d. Antenna and mounting device together do not exceed a height of ten (10) feet above the pole/structure.
  - e. A maximum of one (1) antenna is located on the pole.
  - f. Pole-mounted mechanical equipment shall not exceed seven (7) cubic feet in size.
  - g. Antenna does not exceed a diameter of 16 inches. (P)
- 3. Other than the small cell/data node antenna, any ground-mounted mechanical equipment shall comply with the Zoning Ordinance relative to screening of mechanical equipment in O, C and I Districts. (P)
  - (STAFF NOTE: The Zoning Ordinance requires the screening of mechanical equipment located on a building or ground from adjacent properties and public rights of way.)
- 4. Prior to use of this communications tower (small cell/data node antenna), the owner of the communications tower (small cell/data node antenna) shall obtain approval of the structural integrity of the light/utility pole by a registered professional engineer licensed in Virginia and a copy of the report filed with the Planning Department. (P)

5. Antenna and equipment shall be removed after three (3) consecutive months of non-use. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

H. <u>15SN0619</u>: In Midlothian Magisterial District, Kenneth Jones requests conditional use planned development to permit a temporary modular office unit and amendment of zoning district map in a Community Business (C-3) District on 2.9 acres known as 219 Turner Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed use. Tax ID 762-705-8571.

Mr. Kenneth Jones, the applicant, accepted staff's recommendation.

Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public comments.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0619 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

- Non-Transferable Ownership: This Conditional Use Planned Development shall be granted to and for the Kenneth Jones exclusively, and shall not be transferable nor run with the land. (P)
- 2. <u>Landscaping</u>: Three (3) evergreen trees shall be planted and maintained along the side property line, as shown on Exhibit A. These plantings shall be:
  - a. A minimum of six (6) feet tall at time of planting;
  - b. Planted ten (10) feet on center;
  - c. Installed within sixty (60) days from the approval date of this request. (P)
- 3. <u>Exterior Maintenance of Temporary Modular Unit</u>: The painted exterior of the temporary modular unit shall be maintained so as to be free of deterioration such as peeling, graffiti, or a faded appearance. Any repainting of the exterior shall be done in a color that is approved by the Planning Department. (P)
- 4. Signage: No exterior signage may be placed on the temporary modular unit. (P)
- 5. <u>Time Limitation</u>: This Conditional Use Planned Development shall be granted for a period not to exceed five (5) years from date of approval. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

J. <u>15SN0642</u>: In Clover Hill Magisterial District, **Tiffany Sadrina Robinson** requests conditional use to permit a family day-care home and amendment of zoning district map in a Residential (R-9) District on .3 acre known as 10447 Ridgerun Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 747-678-4694.

Ms. Tiffany Robinson, the applicant, accepted staff's recommendation.

Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public comments.

On motion of Mr. Gulley, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 15SN0642 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

- 1. <u>Non-Transferable Ownership</u>: This conditional use approval shall be granted to and for Tiffany Robinson, exclusively, and shall not be transferable nor run with the land. (P)
- 2. <u>Expansion of Use</u>: There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
- 3. <u>Signage</u>: There shall be no signs permitted to identify this use. (P)
- 4. <u>Number of Children</u>: This conditional use approval shall be limited to providing care, protection and guidance to a maximum of twelve (12) children, other than the applicant's own children, at any one time. (P)
- 5. <u>Hours of Operation</u>: Hours and days of operation shall be limited to Monday through Friday from 6 a.m. to 6 p.m. There shall be no Saturday or Sunday operation of this use. (P)
- 6. <u>Time Limitation</u>: This conditional use approval shall be granted for a period not to exceed five (5) years from the date of approval. (P)
- 7. <u>Fenced Outdoor Play Areas</u>: Any outdoor play area and/or recreational equipment utilized by the family day-care home shall be located in the side or rear yard of the property. Outdoor play and/or recreational equipment areas shall have perimeter fencing of at least four feet in height, installed around the equipment or play area. Equipment for outdoor play areas shall be located no closer than fifteen (15) feet to the side or rear property lines. (P)
- 8. <u>Employees</u>: No employees shall be permitted to work on the premises other than family member employees that live on the premises. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

K. <u>15SN0643</u>: In Dale Magisterial District, Ironbridge Baptist Church requests rezoning from Agricultural (A) and Light Industrial (I-1) to Neighborhood Business (C-2) with conditional use planned development to permit an existing communications tower, exceptions to ordinance requirements and amendment of zoning district map on 18.5 acres fronting 715 feet on the west line of Iron Bridge Road, 495 feet north of Landfill Drive, also fronting 55 feet on the northern terminus of Landfill Drive, 910 feet west of Iron Bridge Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. Tax ID 773-657-Part of 4168-00001.

Mr. Jack Wilson, the applicant's representative, accepted staff's recommendation.

Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public comments.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 15SN0643 subject to the following condition and acceptance of the following proffered conditions:

#### CONDITION

The Textual Statement, dated May 29, 2015, shall be considered the Master Plan. (P)

#### PROFFERED CONDITIONS

- 1. <u>Dedication.</u> Prior to any site plan approval, or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, one hundred (100) feet of right-of-way, on the west side of Iron Bridge Road (Route 10) measured from the centerline of that part of Route 10 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
- 2. Access. Direct vehicular access from the property to Route 10 shall be limited to two (2) entrances/exits. One (1) access shall generally be located towards the northern property line, and the second access shall generally be located midway of the Route 10 property line and align the existing crossover on Route 10. The exact location of the accesses shall be approved by the Transportation Department. Prior to final site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded from Route 10 at the proposed Route 10 access that aligns the existing crossover on Route 10 to the adjacent property to the north. (T)
- 3. <u>Road Improvements.</u> To provide an adequate roadway system, the Developer shall be responsible for the following road improvements. The exact design and location of these improvements shall be approved by the Transportation Department.

- a. Construction of an additional lane of pavement along the eastbound lanes of Route 10 for the entire property frontage;
- b. Construction of additional pavement along the eastbound lanes of Route 10 at each approved access to provide a separate right turn lane;
- c. Construction of additional pavement, if required, along the westbound lanes of Route 10, as determined by the Transportation Department to provide for adequate left turn lane(s) at the existing crossover on Route 10.
- d. Construction of a sidewalk to VDOT standards along Route 10 for the entire property frontage;
- e. Full cost of traffic signal modifications at the Route 10/private drive intersection, if warranted, as determined by the Transportation Department; and,
- f. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
- 4. <u>Phasing Plan.</u> Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 3, shall be submitted to and approved by the Transportation Department. (T)
- 5. <u>Architecture.</u> Any grocery store developed shall be substantially similar to the elevations shown on Exhibit A, "Aldi Store TBD" dated November 12, 2014, and prepared by MS Consultants, Inc. The architectural treatment of all other buildings, including materials, color and style, shall be compatible with the church located on Tax ID 773-657-part of 4168. (P)
- 6. <u>Prohibited uses.</u> The following uses shall be prohibited on the Property:
  - a. Dry cleaning, pick-up and drop-off; coin-operated dry cleaning; pressing; laundry and laundromat.
  - b. Massage clinics.
  - c. Funeral homes or mortuaries.
  - d. Pet shops, including pet grooming. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

L. <u>15SN0645</u>: In Midlothian Magisterial District, Cellco Partnership dba Verizon Wireless requests conditional use to permit a communications tower (data node antenna) and amendment of zoning district map in a Residential (R-40) District on .9 acre known as 13620 West Salisbury Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan

suggests the property is appropriate for Low Density Residential use (maximum of 1.0 dwelling per acre). Tax ID 725-716-Part of 8682.

Mr. Jeff Geiger, the applicant's representative, accepted staff's recommendation.

Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public comments.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0645 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

The property owner and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffer shall immediately be null and void and of no further force or effect.

- 1. There shall be no signs permitted to identify this use other than those required by applicable law and regulation. (P)
- 2. The color, design and lighting system for the communications tower (data node antenna) shall be as follows:
  - a. The communications tower shall be a small cell/data node structure mounted on the side of an existing building, generally as located on Attachment 2 and designed on Attachment 3.
  - b. The components of the small cell equipment shall be concealed inside a stealth chimney and have a durable finish color that matches the building upon which it is located, as approved by the Planning Department. The finish color of the stealth chimney shall be maintained to address fading, flaking, or other finish issues, as determined by the Planning Department, to include matching any repainting of the building upon which it is mounted.
  - c. The communications tower (data node antenna) shall not be lighted. (P)
  - d. A maximum of one (1) antenna is located on the building. (P)
- 3. Other than the data node antenna, any external mechanical equipment shall comply with the Zoning Ordinance relative to screening of mechanical equipment in O, C and I Districts. (P)

(STAFF NOTE: The Zoning Ordinance requires the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way.)

- 4. Prior to use of this communications tower (data node antenna), the owner of the communications tower (data node antenna) shall obtain approval of the structural integrity by a registered professional engineer licensed in Virginia and a copy of the report filed with the Planning Department. (P)
- 5. The communications tower (data node antenna), located on the side of an existing building, shall not exceed a height of 3.5 feet above the peak of the roof line. (P)
- 6. At such time that the communications tower (data node antenna) ceases to be used for communications purposes for three (3) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- N. <a href="15th0648">15th Nidlothian Magisterial District</a>, Wegmans Food Markets requests conditional use planned development relative to signage and amendment of zoning district map in a Community Business (C-3) District on 16.2 acres fronting 895 feet on the south line of Midlothian Turnpike, 1200 feet east of Walmart Way. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Planned Transition Area use. Tax IDs 735-707-Part of 9536; 736-707-Part of 4093 and Part of 8355; 737-707-2091 and 2699.
  - Mr. Brennen Keene, the applicant's representative, accepted staff's recommendation.
  - Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public comments.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0648 subject to the following conditions:

#### **CONDITIONS**

- 1. The Textual Statement, dated April 6, 2015, shall be considered the Master Plan for the sign exceptions. (P)
- 2. Any architectural or painted element of the building that serves as a background for individually mounted or painted letters of a sign shall use a color and/or style that are commonly used throughout the building exterior. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

- O. <a href="158N0649">15SN0649</a>\*\*\*: In Midlothian Magisterial District, **Chad White** requests amendment of zoning (Case 86SN0149) to delete a use restriction plus conditional use planned development to permit an exception to public road frontage and amendment of zoning district map in a Residential (R-9) District on 13.6 acres lying 210 feet off the northern terminus of Trefoil Way, north of Highstream Way. Residential use of up to 4.84 units per acre is permitted in the Residential (R-9) District. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 750-715-1657.
  - Mr. Chad White, the applicant, accepted staff's recommendation.
  - Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public comments.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0649 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

- 1. <u>Density</u>. A maximum of two (2) single-family dwelling units shall be permitted. Any single-family dwelling shall be conveyed to an immediate family member. Each dwelling shall be located on an individual lot. (P)
- 2. <u>Floodplain Delineation</u>. Per county ordinance, any structure on the subject property is subject to the review of the Director of Environmental Engineering. Approval of this application in no way guarantees the suitability of the property for single family residential development. It is understood that the Director may require a FEMA approved flood plain map showing FEMA Flood Zone AE limits for Powhite Creek which reveal sufficient area on the property for residential development which is consistent with the Chesterfield County Flood Plain Management Ordinance. These FEMA flood plain limits shall be accurately depicted with one of the following documents:
  - a. Subdivision Record Plat: or
  - b. A building permit improvement sketch, if only one (1) dwelling is constructed. (EE)
- 3. Road Frontage & Access: No public road frontage shall be required for any dwelling located on the request property. Access shall be provided in accordance with Proffered Conditions 4, 5 and 6. (P)
- 4. <u>Easement</u>. Prior to approval of a building permit, the property owner shall provide a copy of a recorded instrument which will include the following:
  - a. A condition that shall require that no structure or fence shall be constructed to block the access.

- b. A condition that shall require the land owner of the subject property to be responsible for maintenance of the access.
- c. A fifteen (15) foot private access easement from Point A to Point B to Point C, as shown on Attachment 3. (P)
- 5. <u>Driveway Standards</u>. A twelve (12) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B to Point C in accordance with the following standards:
  - a. This roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone, if an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight and shall be maintained to this standard. The roadway shall not be approved if it is rutted or potholed.
  - b. There shall be an additional one and a half (1.5) foot clear area beyond the edge of the roadway.
  - c. There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
  - d. The newly constructed roadway shall have a maximum grade of ten (10) percent with the exception of the connection to the existing driveway which currently exceeds this requirement. The connection to the existing driveway shall be appropriately transitioned.
  - e. The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
  - f. Any cross drains shall be designed to accommodate a minimum ten (10) year storm.
  - g. The final delineation of Point B to Point C, if the property is subdivided, shall be confirmed at time of subdivision plat review. (P)
- 6. <u>Driveway Inspection.</u> Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine compliance as set forth above. (P)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

#### REZONING AND CONDITIONAL USE- OTHER.

B. <u>13SN0132</u>\*: (AMENDED) In Dale Magisterial District, Chesterfield Business Partners LLC and Kingsland Towncenter LLC request amendment of conditional use (Cases 06SN0237 and 07SN0226) to reduce cash proffers and amendment of zoning district map in a Community Business (C-3) District on 101 acres fronting the west line of Iron Bridge Road and the north and

south lines of Kingsland Glen Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Business and Industrial uses. Tax IDs 771-676-6355; 771-678-2064; 772-676-1177 and 2999; and 772-677-3568.

Mr. Robert Clay presented an overview of the case and staff's recommendation for denial as the proffered condition does not adequately address the proposed development's impacts on capital facilities for age-restricted dwellings.

Mr. Jack Wilson, the applicant's representative, stated the cash proffer will be taken to \$18,966 for all residential units except for those that are age restricted.

Mr. Gulley opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public hearing.

In response to a question from Mr. Waller relative to cash proffers, Mr. Carmody stated the Board did approve the Lake Margaret case but did have some commentary about the language with that case as it relates to cash proffers and the escalator. The Lake Margaret language was designed to say that in the event that the escalator would take the base cash proffer amount above the current maximum cash proffer at the time of payment, then they would stay with the base amount at the time of payment. It's just the escalation component would be forgone when measured against the maximum cash proffer.

On motion of Dr. Brown, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 13SN0132 and acceptance of the following proffered condition:

#### PROFFERED CONDITION

For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for infrastructure improvements within the service district for the property, unless state law prevents enforcement of that timing:

- a. \$18,966 per dwelling unit, for the period beginning the July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulative change in the Marshall and Swift Building Cost Index during that time period.
- b. Provided, however, that if any building permits issued on the Property are for senior housing, as defined in the proffer on age restriction, the applicant, sub-divider, or assignee(s) shall pay \$10,602.00 per dwelling unit, allocated on a prorata basis among the categories for parks, libraries, fire and roads, for the period beginning July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the

cumulative change to the Marshall and Swift Building Cost Index during that time period.

- c. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
- d. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

(Staff Note: This proffered condition supersedes Proffered Condition 11 of Cases 06SN0237 and 07SN0226 (Cash Proffer). All other conditions of approval for Cases 06SN0237 and 07SN0226 would remain in effect.)

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

M. <u>15SN0646</u>: In Midlothian Magisterial District, Bon Secours Richmond Health System requests amendment of conditional use planned development (Case 11SN0236) to permit an electronic message center sign and amendment of zoning district map in a General Industrial (I-2) District on 16.2 acres located in the southeast corner of Midlothian Turnpike and Watkins Centre Parkway. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Corporate Office/Research and Development and Light Industrial uses. Tax IDs 716-710-0330-00001 and 00002, 1940 and 2314.

Mr. Ryan Ramsey presented an overview and staff's recommendation for denial as the request does not conform to the adopted Electronic Message Center (EMC) Policy.

Mr. Jim Theobald, the applicant's representative, does not agree with staff's recommendation. This request is to modify an existing sign to include an electronic messaging center sign. The EMC sign would be twenty-three (23) square feet and it is designed to better inform the public about services at the center. The sign is nearly 2,900 feet from the center line of Midlothian Turnpike and Route 288 and 335 feet diagonally across from the nearest approved EMC sign. While the Policy suggests there should be 1,000 feet between signs, there should be some flexibility to consider special circumstances.

Mr. Gulley opened the floor for public comments.

Mr. Freddie Boisseau, spoke in support of the applicant.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Mr. Gulley closed the public comments.

Mr. Waller stated that the proposed sign does not exceed the area and height requirements of the Ordinance. However, the sign is unable to meet the 1,000 foot separation requirement of the EMC Policy. If this request is approved, he would be hard pressed to not approve future signs at the other corners in the area.

Dr. Brown and Mr. Patton stated they support the applicant's sign request noting that there should be some flexibility to consider the separation requirement of the EMC Policy.

Dr. Wallin stated that he had difficulty in understanding the need for an electronic message center sign at this location.

Mr. Gulley stated no one at the Board has made any decisions to change the distance with the EMC Policy so he will support Mr. Waller.

On motion of Mr. Waller, seconded by Dr. Wallin, the Commission resolved to recommend denial of Case 15SN0646.

AYES: Messrs. Gulley, Waller, and Wallin.

NAYES: Messrs. Brown and Patton.

P. <u>15SN0650</u>: In Bermuda Magisterial District, **Dean E. Hawkins** requests rezoning from Light Industrial (I-1) to General Business (C-5) and amendment of zoning district map on 15.5 acres fronting the north and south lines of Gayland Avenue, 520 feet east of Jefferson Davis Highway. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use (2.51-4 units per acre). Tax ID 792-678-1855, 2756, 3614, 3859, 4762, 5018, 5765, 6322, 6667, 7626, 7770, 8673, 9532; and 793-678-0077.

Mr. Robert Clay presented an overview to the Commission and staff's recommendation for denial as the request does not comply with the Comprehensive Plan, may cause adverse impacts on area residential development as the proposed uses are incompatible with surrounding uses.

Mr. Dean E. Hawkins, the applicant, does not agree with staff's recommendation. The property has changed hands and the intended user is the new property owner. This site was originally submitted as a rezoning request in 2007. That request from a previous property owner, requested the site be rezoned to residential townhouses with density up to 131 units on 15 ½ acres. Virginia Steele Erectors on Jefferson Davis Highway are looking to expand their business. It is their intent to build a maintenance building to service their cranes. The request property would accommodate this building and include acreage needed for outside storage of heavy equipment. They are requesting a rezoning to C-5. He noted that while the Comprehensive Plan identifies this area as being appropriate for residential land use, he does not see this property as being used as residential. He noted the applicant is asking to permit one (1) C-5 use on the property.

Mr. Gulley opened the floor for public comments.

Mr. Phil Cunningham, President of the Jefferson Davis Association, stated given the setbacks and where the property is located, the Association supports the zoning case.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Mr. Gulley closed the public comments.

Mr. Patton stated a community meeting did take place and attendees, including members of the Jefferson Davis Association, were generally supportive. The proposed wall and building will serve to screen the use and mitigate noise. When the Special Area Plan for the Jefferson Davis Corridor comes forward, he feels the property is not appropriate for residential land use. He supports the applicant's efforts to expand their business and their proposed zoning. They will restrict their use to an I-2 zoning.

Mr. Gulley stated his concern is the neighborhood around the request property. This case does not have any hours of operation restrictions and they could operate seven (7) days a week or through the night. There are no protections for the neighborhood and for those reasons he cannot support the case.

In response to a question from Mr. Waller, Mr. Hawkins stated the business has been operating under lease of the property by Virginia Steel Erectors for about five (5) years. The property is not lighted and the only security is a metal gate. When it is developed, the entire area will be fenced in from all sides and the business will not be open at night.

Dr. Wallin stated he wants to be able to support the case but he wants to be consistent with other cases as well. He wished the case contained some proffers like fencing but as of now such conditions do not exist. If the applicant added proffers to give assurances that they are looking out for the neighbors, he could support the case. He suggested a sixty (60) day deferral would be appropriate.

Mr. Gulley stated he would support a sixty (60) day deferral giving the applicant time to address lighting, hours of operation, security and screening.

Dr. Brown stated that the applicant could agree to change the proffer before it goes to the Board and he will support the case.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0650 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

Check spacing for Proffered Condition 1

- 1. Uses: The use(s) permitted by the request shall be limited to:
  - a) Any permitted uses in the I-1 District;
  - b) Contractor's Shops and Storage Yards. P)
- 2. <u>Building Fenestration:</u> Fenestration and door openings in the building(s) shall be, unless otherwise required by the Building Code, oriented away from the Patterson Park subdivision. (P)
- 3. <u>Screening of Parking & Storage Areas:</u> All parking and storage yards shall be screened from any lot in the Patterson Park subdivision by a ten (10') foot

high wall or fence. The exact design of the wall or fence shall be submitted at the time of site plan and approved by the Planning Department. (P)

- 4. <u>Gayland Avenue Improvements:</u> Any extension of the existing pavement or associated work within the Gayland Avenue right-of-way and onto the property shall be designed and constructed to VDOT standards and taken into the state system. (EE)
- 5. <u>Buffer:</u> A fifty (50) foot wide buffer shall be provided along the northern property boundary adjacent to Patterson Park subdivision. This buffer shall comply with the requirements of the Zoning Ordinance for fifty (50) foot buffers, and shall be planted at one and one-half times Perimeter Landscaping "C" requirements. (P)

AYES: Messrs. Waller, Brown and Patton.

NAYES: Messrs. Wallin and Gulley.

**G.** <u>15PD0192</u>: In Clover Hill Magisterial District, **Chesterfield County Parks and Recreation** requests substantial accord determination to permit special purpose park expansion and amendment of zoning district map in Residential (R-7 and R-9) Districts on 57 acres lying off the north lines of Gravier and Clintwood Roads and the eastern terminus of Puckett Place. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax IDs 742-689-7807 and Part of 9707; 743-689-6438; and 745-688-Part of 2330.

Mr. Turner stated he would like to acknowledge that subsequent to a community meeting held on June 15, the applicant withdrew two (2) parcels from the application; the locations at 11303 Perdido Court and 11300 Gravier Road.

Ms. Darla Orr presented an overview and staff's recommendation for approval. The two (2) properties withdrawn are 11303 Perdido Court and 11300 Gravier Road. Parks and Recreation plans to build a trail along Falling Creek with planned connections to surrounding neighborhoods. The applicant is proposing that this park serve as a means of pedestrian access between destinations, support active lifestyles and provide additional natural resource opportunities. Staff recommends approval of the request as it is in substantial accord with the Public Facilities Plan. The park would allow development of a portion of Falling Creek Linear Park, enhance a unique recreational and natural resource, and would provide a connection between public facilities such as Providence and Rockwood Parks.

Mr. Stuart Connock stated the Parks and Recreation Department thinks the proposed linear park will be a good addition to the park system as a special purpose park with trail systems and other parks. It promotes other core visions for active lifestyles and education of our natural resources. There have been two (2) meetings in the neighborhood attended by about thirty (30) people. Most of the attendees came from the Lake Genito side of the park and oppose the park, but residents of the Brandon subdivision do support the park.

In response to a question from Mr. Gulley relative to the purchase of the land, Mr. Connock stated the land was being donated to the County.

In response to a question from Dr. Wallin relative to the cost to make the property usable, Mr. Connock stated they do not know the cost to create the park and have not completed work necessary to provide cost estimates. He stated the park is not included in the current five (5) year Capital Improvement Project (CIP).

Dr. Wallin commented the land may be a gift the County cannot afford to accept if there is no projected cost on what it will take to fund the park. It bothers him that we have no idea what it will take to make the improvements.

In response to a question from Dr. Brown relative to the acceptance of the donated land, Mr. Connock stated the Board has not formally accepted this land donation.

In response to a question from Mr. Patton, relative to the Public Facilities Plan and linear parks, Mr. Connock stated this property is identified in the current Plan as appropriate for linear parks and trails.

In response to a question from Mr. Waller relative to a conservation easement on the property, Mr. Connock stated it does not have one and they would accept the property without one.

In response to a question from Mr. Waller relative to the property being walked, Mr. Connock stated Environmental Engineering (EE) has not walked the entire property but aerial photos have been studied and this property has gone through the County's site selection process and EE has identified flood plains and RPA's.

Mr. Waller stated his concern is the potential loss of privacy for residents should the trail be constructed on or near the property lines of those living next to the park.

Mr. Gulley opened the floor for public comments.

Mr. Russell VanAllen, Mr. Edd Tatum, Taylor, Ms. Althea Hayes, Mr. Pete Troxell, Ms. Nita Lang, Mr. Steve Meadows, Mr. Freddy Boisseau, Mr. Jim Cress and Mr. Carl Riggle spoke in opposition to the park citing issues with security, increased crime, lack of privacy, reduced property values, the expense to build the park, disturbing wetlands, increased traffic and not enough buffers near property lines.

Mr. Calvin Pletcher, Mr. Eric Cone, Ms. Marianna Ford and Mr. Randy Smith spoke in favor of the project and the connectivity and quality of life it will bring to the County by expanding parks and trails.

Mr. Stuart Connock requested a sixty (60) day deferral to allow more time to consider citizens' concerns.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Mr. Gulley closed the public comments.

In response to a question from Dr. Brown relative to the \$1M per mile, Mr. Connock stated this is an average of the cost for the bikeways and trails plan based upon building a ten (10) foot wide

shared path across and through various topographies. This dollar amount was a result of benchmarking with other localities for trails previously constructed.

On motion of Mr. Gulley, seconded by Dr. Wallin, the Commission resolved to recommend deferral of Case 15PD0192, by the applicant, to the August 18, 2015 Planning Commission public hearing.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

# Q. (14PJ0129) BIKEWAYS & TRAILS PLAN.

An amendment to Chesterfield County's Comprehensive Plan, Moving Forward...The Comprehensive Plan of Chesterfield. The Bikeways and Trails Plan ("Plan") encompasses the entire county as shown on The Land Use Map.

The Plan will become a new chapter of the Comprehensive Plan. It will amend: Chapter 13 (Transportation), removing the Bikeway Plan and including an amendment to the Thoroughfare Plan stating "right of way widths may need to be increased based on the Bikeways and Trails Plan"; Chapter 14 (Public Facilities Plan), removing the Linear Parks & Trails section; and Chapter 15 (Implementation) of the Comprehensive Plan.

Sections of the Bikeways & Trails Plan include: Plan Overview, Current Bicycle and Pedestrian Facilities, Guidelines, Design Guidelines, Network Map and Implementation.

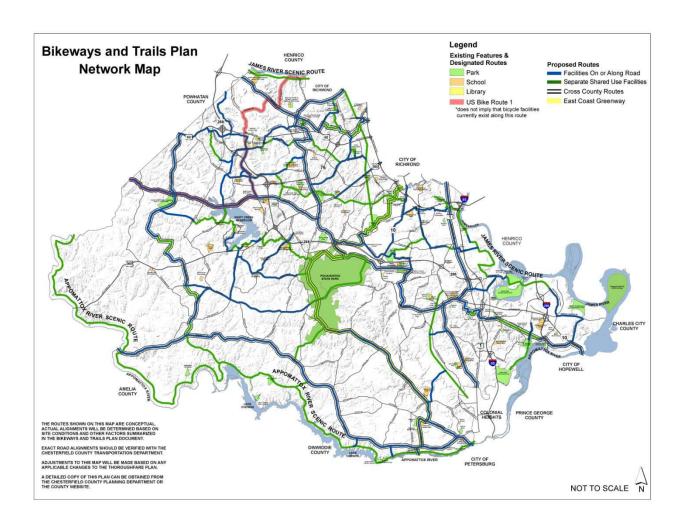
The Plan Overview provides information about past planning efforts, community engagement and community benefits of biking and walking.

The Current Bicycle and Pedestrian Facility Section inventories current on-road bike facilities, pedestrian actuated signals and trails. It also provides an overview of other public and private trail efforts within Chesterfield County and the region.

The Guideline and Design Guideline Sections guide bicycle and trail facility development and address principles necessary to implement the goal and guidelines of the plan. These include, among other things, the evaluation of all public projects to address bikeway and trail facilities; coordination with internal and external public, private and nonprofit partners; bicycle and pedestrian access between existing and future neighborhoods; support of a civic association; identification of a program coordinator; facility signage guidelines; and conceptual illustrations for bikeway and trail facility types that incorporates safety considerations and crime reduction measures and strategies through design.

The Network Map identifies general location for on/along road and off road facilities.

The Implementation Section outlines amendments to the countywide Comprehensive Plan and includes steps to implement the goals and guidelines of the Plan to include, among other things, the development of Neighborhood Connector Studies; ordinance and policy revision to address the provision of bikeways, trails and bicycle parking; coordination with internal and external public, private and nonprofit partners; support of a civic association; identification of a program coordinator; provisions for funding and maintenance; establishment of standard sign design; and development of an online bikeways and mapping tool.



Ms. Heather Barrar presented an overview of the Bikeways & Trails Plan outlining the current trails and bikeways. This will be a new chapter to the Comprehensive Plan and a note will be added to the map in Chapter 13. Staff utilized public input sessions, social media, articles in magazines, community meetings and local club meetings to educate the public about the project. The shared path is designed to be a ten (10) foot minimum width path and can be used by walkers, bikers and runners alike.

Mr. Gulley opened the floor for a public hearing.

Mr. Jim Beamer, Ms. Sabrina Adams, Ms. Melinda Aileo, Ms. Marianne Phillips, Mr. Jason Aileo, Mr., Jim Arnett, Mr. Eric Cone, Mr. Champe Burnley, Ms. Mindy Dunn, Mr. Steve Meadows, Mr. Dale Kennedy, Ms. Miriam Ford, Mr. Kevin Walsh, Mr. Todd Wilson and Mr. Jeff Gates expressed support for the project citing the positive benefits of cycling, using bicycles to get to work and school, increased connectivity to libraries and shops, creating a desirable community by connecting neighborhoods, and providing a safe place to walk and bike.

Mr. Peter DiGiovanni, Mr. Bill Woodfin, Mr. Brennen Keene, Mr. John Kline, Mr. Kevin Carroll, Mr. Randy Powers, Mr. Freddy Boisseau, Mr. Donald Blake, Mr. Jim Bryson, Mr. Craig Stariha, Mr. Howard Nestor and Mr. Lawrence Taylor voiced opposition to the plan citing the expense of the project, who will donate the land, poor condition of roadways in the County, the process needs to

be more transparent, community meetings need to be better communicated and concerns were voiced about eminent domain.

There being no one else to speak, Mr. Gulley closed the public comments.

Mr. Waller, Mr. Patton and Dr. Wallin voiced support for a deferral to September to give Staff time to clarify information and time to inform the public as there seems to be division amongst the citizenry.

Dr. Brown stated he knows a broad and extensive attempt was made by Staff to notify residents about the Bikeway & Trails Plan. We will not know that much more in ninety (90) days. The misinformation is there but he resists blaming the County and Staff for it and he is ready to vote.

On motion of Mr. Gulley seconded by Dr. Wallin, the Commission resolved to defer the Bikeways & Trails Plan to the September 15, 2015 Planning Commission public hearing.

AYES: Messrs. Gulley, Waller, Patton and Wallin.

NAYES: Dr. Brown.

# R. (14PJ0161) CODE AMENDMENT RELATIVE TO SMALL CELL TECHNOLOGY.

An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and reenacting Sections 19-65, 19-102, 19-107.1, 19-113.1, 19-124, 19-131, 19-181, 19-188 and 19-301 relating to "Communication Small Cells". Among other things, the ordinance would define Communication Small Cells (essentially a low-powered radio access antenna used to extend wireless communications coverage), provide that the use be permitted with restrictions in all zoning districts other than the TND district, establish restrictions for the use related to height, location, size, screening and other standards, and require that the use be removed when no longer used for three consecutive months.

Mr. Robert Clay presented an overview to the Commission on the Code Amendment Relative to Small Cell Technology. The proposed amendments define small cell and permits them as a restricted use in all Districts subject to obtaining a Substantial Accord approval. At the last work session in April, there were three remaining issues; the height of antennas above utility light poles, the diameter of antenna and size of the mechanical equipment boxes. Staff agrees with the industry regarding the height of antennas above utility poles to ten (10) feet, a sixteen (16) inch diameter for antennas and maximum size of seven (7) cubic feet for mechanical boxes. Those changes along with the previously agreed to requirements are listed in the code amendments given to the Commission earlier. There are two versions of the Code Amendment. Staff recommends after the Public Hearing, the Commission forward a recommendation on both versions of the Code Amendment. Attachment 1 is based upon current and active Chapter 19 and Attachment 2 is based upon the proposed Chapter 19.1 which is part of the Bridge the Gap Code Amendment scheduled for a public hearing by the Board of Supervisors next week and could be adopted before this proposed amendment is heard by the Board.

Mr. Gulley opened the floor for a public hearing.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Mr. Gulley closed the public comments.

On motion of Mr. Gulley, seconded by Dr. Wallin, the Commission resolved to recommend approval of the Code Amendment Relative to Small Cell Technology, in Attachment 1 Sections 19-65, 19-102, 19-107.1, 19-113.1, 19-124, 19-131, 19-181, 19-188 and 19-301. In Attachment 2 Sections 19.1-52, 19.1-53, and 19.1-570 of the Zoning Ordinance.

# **ATTACHMENT 1**

AN ORDINANCE TO AMEND THE <u>CODE OF THE COUNTY OF CHESTERFIELD</u>, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTIONS 19-65, 19-102, 19-107.1, 19-113.1, 19-124, 19-131, 19-181, 19-188 and 19-301 OF THE ZONING ORDINANCE RELATING TO REQUIREMENTS FOR COMMUNICATION SMALL CELLS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 19-65, 19-102, 19-107.1, 19-113.1, 19-124, 19-131, 19-181, 19-188 and 19-301 of the <u>Code of the County of Chesterfield</u>, 1997, as amended, are amended and reenacted to read as follows:

Chapter 19

ZONING

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#### ARTICLE III. DISTRICTS

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DIVISION 4. R-88 RESIDENTIAL DISTRICT

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Sec. 19-65. Uses permitted with certain restrictions.

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(I) Communication small cell provided that:

#### **OPTION 1-Architecturally incorporated**

- (1) Antenna is architecturally incorporated into the design of a building on property used primarily for nonresidential purposes such as, but not limited to, churches or schools;
- (2) Mechanical equipment associated with the antenna is screened in accordance with Section 19-570(c); and
- (3) At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

#### **OPTION 2- Pole Mounted**

- (1) Antenna is mounted on a pole having a minimum height of 20 feet which supports an athletic field light, parking lot light, street light or utility line;
- (2) Antenna does not exceed a height of 10 feet above the height of the pole;
- Antenna does not protrude more than 2 feet from the pole;
- (4) A maximum of 1 antenna is located on the pole;
- (5) Antenna does not exceed a diameter of 16 inches;
- The visual impact of the antenna and mounting equipment is minimized through the use of, but not limited to, color, material or design, as determined by the planning department;
- (7) Pole-mounted mechanical equipment cabinet does not exceed seven (7) cubic feet in size;
- (8) Ground-mounted mechanical equipment associated with antenna shall be screened in accordance with Section 19-570(c); and
- (9) At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

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#### DIVISION 11. R-TH RESIDENTIAL-TOWNHOUSE DISTRICT

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#### Sec. 19-102. Uses permitted with certain restrictions.

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#### (g) Communication small cell provided that:

#### **OPTION 1-Architecturally incorporated**

- (1) Antenna is architecturally incorporated into the design of a building on property used primarily for nonresidential purposes such as, but not limited to, churches or schools;
- (2) Mechanical equipment associated with the antenna is screened in accordance with Section 19-570(c); and
- (3) At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

#### **OPTION 2-Pole-Mounted**

- (1) Antenna is mounted on a pole having a minimum height of 20 feet which supports an athletic field light, parking lot light, street light or utility line;
- (2) Antenna does not exceed a height of 10 feet above the height of the pole;
- (3) Antenna does not protrude more than 2 feet from the pole;
- (4) A maximum of 1 antenna is located on the pole;
- (5) Antenna does not exceed a diameter of 16 inches;

- (6) The visual impact of antenna and mounting equipment is minimized through the use of, but not limited to, color, material or design, as determined by the planning department:
- (7) Pole-mounted equipment cabinet does not exceed seven (7) cubic feet in size:
- (8) <u>Ground-mounted mechanical equipment associated with antenna shall be screened in accordance with Section 19-570(c); and</u>
- (9) At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

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#### DIVISION 12. R-MF MULTIFAMILY RESIDENTIAL DISTRICT

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### Sec. 19-107.1. Uses permitted with certain restrictions.

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<u>(f)</u> Communication small cell provided that:

#### **OPTION 1-Architecturally incorporated**

- (1) Antenna is either architecturally incorporated into the design of a multifamily building of 2 or more stories, or a building on property used primarily for nonresidential purposes such as, but not limited to, churches or schools;
- (2) Mechanical equipment associated with the antenna is screened in accordance with Section 19-570(c); and
- (3) At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

#### **OPTION 2-Pole-Mounted**

- (1) Antenna is mounted on a pole having a minimum height of 20 feet which supports an athletic field light, parking lot light, street light or utility line;
- (2) Antenna does not exceed a height of 10 feet above the height of the pole;
- (3) Antenna does not protrude more than 2 feet from the pole;
- (4) A maximum of 1 antenna is located on the pole;
- (5) Antenna does not exceed a diameter of 16 inches;
- (6) The visual impact of antenna and mounting equipment is minimized through the use of, but not limited to, color, material or design, as determined by the planning department;
- (7) Pole-mounted equipment cabinet does not exceed seven (7) cubic feet in size:
- (8) <u>Ground-mounted mechanical equipment associated with antenna shall be</u> screened in accordance with Section 19-570(c); and
- (9) At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

#### DIVISION 13. MH-1 MANUFACTURED OR MOBILE HOME PARK DISTRICT

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Sec. 19-113.1. Uses permitted with certain restrictions.

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(b) Communication small cell provided that:

#### **OPTION 1-Architecturally incorporated**

- (1) Antenna is architecturally incorporated into the design of a building on property used primarily for nonresidential purposes such as, but not limited to, churches or schools:
- (2) Mechanical equipment associated with the antenna is screened in accordance with Section 19-570(c); and
- (3) At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

#### **OPTION 2-Pole-Mounted**

- (1) Antenna is mounted on a pole having a minimum height of 20 feet which supports an athletic field light, parking lot light, street light or utility line;
- (2) Antenna does not exceed a height of 10 feet above the height of the pole;
- (3) Antenna does not protrude more than 2 feet from the pole;
- (4) A maximum of 1 antenna is located on the pole;
- (5) Antenna does not exceed a diameter of 16 inches;
- (6) The visual impact of antenna and mounting equipment is minimized through the use of, but not limited to, color, material or design, as determined by the planning department;
- (7) Pole-mounted equipment cabinet does not exceed seven (7) cubic feet in size:
- (8) Ground-mounted mechanical equipment associated with antenna shall be screened in accordance with Section 19-570(c); and
- (9) At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

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## **DIVISION 15. A AGRICULTURAL DISTRICT**

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Sec. 19-124. Uses permitted with certain restrictions.

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(i) Communication small cell provided that:

# **OPTION 1-Architecturally incorporated**

- (1) Antenna is architecturally incorporated into the design of a building on property used primarily for nonresidential purposes such as, but not limited to, silos, churches or schools;
- (2) Mechanical equipment associated with the antenna is screened in accordance with Section 19-570(c); and
- At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

#### **OPTION 2-Pole-Mounted**

- Antenna is mounted on a pole having a minimum height of 20 feet which supports an athletic field light, parking lot light, street light or utility line;
- (2) Antenna does not exceed a height of 10 feet above the height of the pole;
- Antenna does not protrude more than 2 feet from the pole;
- (4) A maximum of 1 antenna is located on the pole;
- (5) Antenna does not exceed a diameter of 16 inches;
- (6) The visual impact of antenna and mounting equipment is minimized through the use of, but not limited to, color, material or design, as determined by the planning department;
- (7) Pole-mounted equipment cabinet does not exceed seven (7) cubic feet in size:
- (8) Ground-mounted mechanical equipment associated with antenna shall be screened in accordance with Section 19-570(c); and
- (9) At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

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#### DIVISION 16. O-1 NEIGHBORHOOD OFFICE DISTRICT

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Sec. 19-131. Uses permitted with certain restrictions.

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(n) Communication small cell provided that:

#### **OPTION 1-Architecturally incorporated**

- (1) Antenna is architecturally incorporated into the design of a building;
- (2) <u>Mechanical equipment associated with the antenna is screened in accordance with Section 19-570(c); and</u>
- At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

#### **OPTION 2-Pole-Mounted**

- (1) Antenna is mounted on a pole having a minimum height of 20 feet which supports an athletic field light, parking lot light, street light or utility line;
- (2) Antenna does not exceed a height of 10 feet above the height of the pole;
- Antenna does not protrude more than 2 feet from the pole;
- (4) A maximum of 1 antenna is located on the pole;
- (5) Antenna does not exceed a diameter of 16 inches;
- (6) The visual impact of antenna and mounting equipment is minimized through the use of, but not limited to, color, material or design, as determined by the planning department:
- (7) Pole-mounted equipment cabinet does not exceed seven (7) cubic feet in size:
- (8) Ground-mounted mechanical equipment associated with antenna shall be screened in accordance with Section 19-570(c); and
- (9) At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

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#### DIVISION 23. I-1 LIGHT INDUSTRIAL DISTRICT

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Sec. 19-181. Uses permitted with certain restrictions.

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### (I) Communication small cell provided that:

#### **OPTION 1-Architecturally incorporated**

- Antenna is architecturally incorporated into the design of a building;
- (2) <u>Mechanical equipment associated with the antenna is screened in accordance</u> with Section 19-570(c); and
- (3) At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

#### **OPTION 2-Pole-Mounted**

- Antenna is mounted on a pole having a minimum height of 20 feet which supports an athletic field light, parking lot light, street light or utility line;
- (2) Antenna does not exceed a height of 10 feet above the height of the pole:
- (3) Antenna does not protrude more than 2 feet from the pole;
- (4) A maximum of 1 antenna is located on the pole;
- (5) Antenna does not exceed a diameter of 16 inches;

- (6) The visual impact of antenna and mounting equipment is minimized through the use of, but not limited to, color, material or design, as determined by the planning department:
- (7) Pole-mounted equipment cabinet does not exceed seven (7) cubic feet in size:
- (8) Ground-mounted mechanical equipment associated with antenna shall be screened in accordance with Section 19-570(c); and
- (9) At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

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# DIVISION 24. I-2 GENERAL INDUSTRIAL DISTRICT

Sec. 19-188. Uses permitted with certain restrictions.

The following uses shall be permitted in the I-2 District, subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provision of section 19-13:

- (a) Unless permitted in the I-2 District, any uses permitted with restrictions in the I-1 District except hotels.
- (b) Communication small cell provided that:

#### **OPTION 1-Architecturally incorporated**

- (1) Antenna is architecturally incorporated into the design of a building;
- (2) <u>Mechanical equipment associated with the antenna is screened in accordance with Section 19-570(c); and</u>
- (3) At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

#### **OPTION 2-Pole-Mounted**

- (1) Antenna is mounted on a pole having a minimum height of 20 feet which supports an athletic field light, parking lot light, street light or utility line;
- (2) Antenna does not exceed a height of 10 feet above the height of the pole;
- Antenna does not protrude more than 2 feet from the pole;
- (4) A maximum of 1 antenna is located on the pole;
- (5) Antenna does not exceed a diameter of 16 inches;
- (6) The visual impact of antenna and mounting equipment is minimized through the use of, but not limited to, color, material or design, as determined by the planning department:
- (7) Pole-mounted equipment cabinet does not exceed seven (7) cubic feet in size:

- (8) Ground-mounted mechanical equipment associated with antenna shall be screened in accordance with Section 19-570(c); and
- (9) At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

#### **OPTION 3-View minimized**

- (1) Antenna and mounting equipment are screened from view of adjacent R, R-TH, R-MF, MH, O, C, or I-1 zoned property, or A property designated on the comprehensive plan for R, R-TH, R-MF, MH, O, C, or I-1 zoning, and roads that are designed to accommodate through traffic movements;
- (2) View of the antenna and mounting equipment from limited access roads is minimized through site or architectural design, topography, landscaping, setbacks or other features:
- (3) Mechanical equipment associated with the antenna is screened in accordance with Section 19-570(c); and
- (4) At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

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#### ARTICLE VI. DEFINITIONS

Sec. 19-301. Definitions.

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<u>Communication Small Cell: Low-powered radio access antenna, together with associated mounting and mechanical equipment, which extends wireless communications systems service coverage and increases network capacity, and such antenna is attached either to a pole which supports an athletic field light, parking lot light, street light or utility line, or to a building.</u>

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(2) That this ordinance shall become effective immediately upon adoption.

# <u>ATTACHMENT 2</u>

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTIONS 19.1-52, 19.1-53,

and 19.1-570 OF THE ZONING ORDINANCE RELATING TO REQUIREMENTS FOR COMMUNICATION SMALL CELLS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 19.1-52, 19.1-53 and 19.1-570 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

# Sec. 19.1-52. Uses Generally.

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						Lable	19.1-52.	V. 1.51	STALL	HRAL	ED.							
Use	P = Permitted by Right R use RE = Permitted with Restrictions A=Accessory C = Conditional Use  8 = Special Exception M = Measubstacred Home Permit  Zanting Districts																	
	R-7 thru 88	R-C	R-TH	R-MF	MH-1	мн-з	мн-э	A	0-1	0-1	C-1	Ca	CJ	C-4	C-8	ы	1-2	13
Communication																		
Communication equipment manufacturing								с						R(2)	P	P	P	,
Communication office								с		P		P	P	P	P	P	P	P
Communication small cell	R	B	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	B
Communication studio and station								с		P		P	P	P	P	P	P	7
Communication tower	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	P

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Sec. 19.1-53. Restricted Uses Listed as "R" or "RS".

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#### Communication small cell

1. R-88, R-40, R-25, R-15, R-12, R-9, R-7, R-C Districts

#### R-TH District

#### MH-1, MH-2, MH-3 Districts

#### **OPTION 1-Architecturally incorporated**

- a. Antenna is architecturally incorporated into the design of a building on property used primarily for nonresidential purposes such as, but not limited to, churches or schools;
- <u>b.</u> <u>Mechanical equipment associated with the antenna is screened in accordance with Section 19.1-317.D.1; and</u>
- c. At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

#### **OPTION 2- Pole Mounted**

- a. Antenna is mounted on a pole having a minimum height of 20 feet which supports an athletic field light, parking lot light, street light or utility line;
- <u>b</u>. <u>Antenna does not exceed a height of 10 feet above the height of the pole;</u>
- <u>c</u>. <u>Antenna does not protrude more than 2 feet from the pole;</u>
- d. A maximum of 1 antenna is located on the pole;
- e. Antenna does not exceed a diameter of 16 inches;
- <u>f.</u> The visual impact of the antenna and mounting equipment is minimized through the use of, but not limited to, color, material or design, as determined by the planning department;
- g. Pole-mounted mechanical equipment cabinet does not exceed seven (7) cubic feet in size;
- h. Ground-mounted mechanical equipment associated with the antenna shall be screened in accordance with Section 19.1-317 .D .1; and
- i. At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

#### 2. R-MF District:

# **OPTION 1-Architecturally incorporated**

- <u>Antenna is either architecturally incorporated into the design of a multifamily building of 2 or more stories, or a building on property used primarily for nonresidential purposes such as, but not limited to, churches or schools;</u>
- <u>b.</u> <u>Mechanical equipment associated with the antenna is screened in accordance with Section 19.1-317.D.1; and</u>
- <u>At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.</u>

#### **OPTION 2-Pole-Mounted**

- a. Antenna is mounted on a pole having a minimum height of 20 feet which supports an athletic field light, parking lot light, street light or utility line;
- <u>b</u>. <u>Antenna does not exceed a height of 10 feet above the height of the pole;</u>
- c. Antenna does not protrude more than 2 feet from the pole;
- d. A maximum of 1 antenna is located on the pole;
- e. Antenna does not exceed a diameter of 16 inches;
- f. The visual impact of antenna and mounting equipment is minimized through the use of, but not limited to, color, material or design, as determined by the planning department;
- g. <u>Pole-mounted equipment cabinet does not exceed seven (7) cubic feet in size</u>:
- h. Ground-mounted mechanical equipment associated with the antenna shall be screened in accordance with Section 19.1-31 7 .D .1; and
- i. At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

# 3. A District:

# **OPTION 1-Architecturally incorporated**

- a. Antenna is architecturally incorporated into the design of a building on property used primarily for nonresidential purposes such as, but not limited to, silos, churches or schools;
- <u>b.</u> <u>Mechanical equipment associated with the antenna is screened in accordance with Section 19.1-317.D.1; and</u>
- <u>At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.</u>

#### **OPTION 2-Pole-Mounted**

- <u>a.</u> Antenna is mounted on a pole having a minimum height of 20 feet which supports an athletic field light, parking lot light, street light or utility line;
- <u>b.</u> Antenna does not exceed a height of 10 feet above the height of the pole;
- <u>c</u>. <u>Antenna does not protrude more than 2 feet from the pole;</u>
- d. A maximum of 1 antenna is located on the pole;
- e. Antenna does not exceed a diameter of 16 inches;
- f. The visual impact of antenna and mounting equipment is minimized through the use of, but not limited to, color, material or design, as determined by the planning department;
- <u>g</u>. <u>Pole-mounted equipment cabinet does not exceed seven (7) cubic feet in size</u>:
- h. Ground-mounted mechanical equipment associated with the antenna shall be screened in accordance with Section 19.1-317.D.I; and
- i. At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

#### 4. 0-1, 0-2 Districts

#### C-1, C-2, C-3, C-4, C-5 Districts

#### I -1 District:

#### **OPTION 1-Architecturally incorporated**

- <u>a</u>. <u>Antenna is architecturally incorporated into the design of a building;</u>
- <u>b.</u> <u>Mechanical equipment associated with the antenna is screened in accordance with Section 19.1-317.D.1; and</u>
- <u>At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.</u>

#### **OPTION 2-Pole-Mounted**

- a. Antenna is mounted on a pole having a minimum height of 20 feet which supports an athletic field light, parking lot light, street light or utility line;
- <u>b</u>. <u>Antenna does not exceed a height of 10 feet above the height of the pole:</u>
- <u>c</u>. <u>Antenna does not protrude more than 2 feet from the pole;</u>
- <u>d</u>. <u>A maximum of 1 antenna is located on the pole;</u>
- e. Antenna does not exceed a diameter of 16 inches;
- f. The visual impact of antenna and mounting equipment is minimized through the use of, but not limited to, color, material or design, as determined by the planning department;
- g. <u>Pole-mounted equipment cabinet does not exceed seven (7) cubic feet in size:</u>
- h. <u>Ground-mounted mechanical equipment associated with the antenna shall be screened in accordance with Section 19.1-317 .D .1; and</u>
- i. At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

#### 5. <u>I-2</u>, <u>I-3</u> Districts:

# **OPTION 1-Architecturally incorporated**

- <u>a</u>. <u>Antenna is architecturally incorporated into the design of a building;</u>
- <u>b.</u> <u>Mechanical equipment associated with the antenna is screened in accordance with Section 19.1-317.D.2; and</u>
- <u>At such time that the small cell ceases to be used for communications purposes</u> for 3 consecutive months, the antenna and all associated equipment are removed from the property.

#### **OPTION 2-Pole-Mounted**

- a. Antenna is mounted on a pole having a minimum height of 20 feet which supports an athletic field light, parking lot light, street light or utility line;
- <u>b</u>. <u>Antenna does not exceed a height of 10 feet above the height of the pole;</u>
- <u>c</u>. <u>Antenna does not protrude more than 2 feet from the pole;</u>
- <u>d</u>. <u>A maximum of 1 antenna is located on the pole;</u>
- e. Antenna does not exceed a diameter of 16 inches;
- <u>f.</u> The visual impact of antenna and mounting equipment is minimized through the use of, but not limited to, color, material or design, as determined by the planning department;
- g. Pole-mounted equipment cabinet does not exceed seven (7) cubic feet in size:
- h. Ground-mounted mechanical equipment associated with the antenna shall be screened in accordance with Section 19.1-31 7 .D .2; and
- i. At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

#### **OPTION 3-View minimized**

- a. Antenna and mounting equipment are screened from view of adjacent R, R-TH, R-MF, MH, 0, C, or I-1 zoned property, or A property designated on the comprehensive plan for R, R-TH, R-MF, MH, 0, C, or I-1 zoning, and roads that are designed to accommodate through traffic movements;
- b. <u>View of the antenna and mounting equipment from limited access roads is minimized</u> through site or architectural design, topography, landscaping, setbacks or other features;
- c. <u>Mechanical equipment associated with the antenna is screened in accordance with Section 19.1-317 .D.2; and</u>
- d. At such time that the small cell ceases to be used for communications purposes for 3 consecutive months, the antenna and all associated equipment are removed from the property.

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Sec. 19.1-570. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

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Communication small cell: Low-powered radio access antenna, together with associated mounting and mechanical equipment, which extends wireless communications systems service coverage and increases network capacity, and such antenna is attached either to a pole which supports an athletic field light, parking lot light, street light or utility line, or to a building.

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(2) That this ordinance shall become effective immediately upon adoption.

AYES: Messrs. Gulley, Waller, Brown, Patton and Wallin.

# IX. OTHER BUSINESS.

There was no other business discussed.

# X. <u>CITIZEN COMMENT ON UNSCHEDULED MATTERS.</u>

There were no citizen comments on unscheduled matters.

Mr. Turner stated that due to the large number of cases for July, there would be two (2) Planning Commission meetings. On Tuesday, July 21 there would be a work session, a 4:00 p.m. case, a joint Planning Commission and Preservation Committee meeting and zoning cases. On Thursday,

July 23, there would be a Planning Commission meeting with zoning cases and the Bon Air Special Area Plan.

# XI. <u>ADJOURNMENT</u>.

There being no further business to come before the Commission, it was on motion of Dr. Brown, seconded by Mr. Waller that the meeting adjourned at 10:50 p.m. to Tuesday, July 21, 2015 at 3:00 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

AYES:	Messrs. Gulley,	Messrs. Gulley, Waller, Brown, Patton and Wallin.										
Ch	airman/Date		Secretary/Date									

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